Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1998

SHONG-CHING TONG,

Petitioner

v.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRUNETTI, RYMER and T. G. NELSON,
Circuit Judges

Respondent.

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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143 pp

QUESTIONS PRESENTED

1. WHETHER THE PANEL'S ORDER OF THE COURT OF APPEAL FOR THE NINTH CIRCUIT FILED ON APRIL 28, 1998 VIOLATED THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION?

2. WHETHER THE PANEL'S ORDER OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT FILED ON APRIL 28, 1998 VIOLATED THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION?

3. WHETHER THE PANEL'S ORDER OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT FILED ON APRIL 28, 1998 VIOLATED ITS OWN PRECEDENTS AS HELD IN MOY s. U. S.: O'LAUGHLIN v. DOE; DELONG v. HENNESSEY, ETC.?

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Petitioner prays that a Writ of Certiorari issue to review a panel's Order of the United States Court of Appeals for the Ninth Circuit ("Respondent") filed on April 28, 1998, because the respondent's Order has violated its own precedents and has violated the First and Fourteenth Amendments to the United States Constitution.

ORDER BELOW

The respondent's Order was filed on April 28, 1998 and is printed in Appendix A. All other related orders of the Judicial Council of the Ninth Circuit, of the respondent, and Petitioner's Judicial Misconduct Complaints against district judges Manuel L. Real and Goerge H. King are printed in Appendixes B through O.

JURISDICTION

The Panel's Order of the United States

Court of Appeals for the Ninth Circuit was filed on April 28, 1998. The jurisdiction of this Court rests on 28 U.S.C. Section 1254 (1).

STATUTORY PROVISIONS INVOLVED

AMENDMENT ONE TO THE CONSTITUTION:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the peolpe peaceably to assemble, and to petition the government for a redress of grievances.

Section One of the AMENDMENT FOURTEENTH TO CONSTITUTION

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

A. Procedural History:

On March 4, 1998, Appellate Commission-er Peter L. Shaw ("Shaw") of the Court of Appeals for the Ninth Circuit ("9th Cir.") filed his Order (see Appendix C).

On March 16, 1998, Petitioner filed "Shong-Ching Tong's Response to Order to Show Cause" (see Appendix B).

On April 28, 1998, respondent, without stating on what basis or based on what authority entered its order as shown on Appendix A.

B. Statement of Facts:

1. The cases Visser v. California, 919 F.2d 113 (9th Cir. 1990) and Sassower v. Sansverie, 885 F.2d 9 cited by Shaw are not applicable to the instant case. In Sassower, supra, the Secobd Circuit affirmed a district court's order enforcing an injunction on Sassower after

the lawyer was disbarred, after the lawyer had repeatedly sued same defendants, and after the district court had warned him.

In Visser v. California, supra, the "9th Cir." held that so long as Visser pays appropriate fees he can file papers with the "9th Cir.".

In the instant case, the facts as demonstrated by Appendixes B, D, F, H, I, K, M, N, and O have shown the intentional omissions of parties' entities by Shaw can show each action filed against each individual were different. And many of those individuals are obnoxious/wacky justices, judges, and commissioners as he/she/they had ignored the "Law and Rule" and had acted unlawfully, unethically, and unprofessionally.

Moreover, the facts that many of those defendants in those cases took cover under "various immunities" can also show those

obnoxious/wacky justices, judges, and commissioners had acted and conducted unethically, and unprofessionally. Otherwise, why those obnoxious/wacky justices, judges, and Commissioners cannot cite any statute or case law supporting their unlawful, unethical, and unprofessionally acts and conduct.

2. The case In re McDonald, 449 U.S. 180 (1989) cited by Shaw shows Shaw's 3/4/98 Order had failed to follow the purpose of In re McDonald, supra. In re McDonald, supra, the Court allows him to file court papers as long as McDonald pays fees and follows the Rules.

3. In Shaw's Order (Appendix C) and the Respondent's Order (Appendix A), they all failed to show the cases petitioner filed met standards as listed in cases Moy v. U. S., (9th Cir. 1990) 906 F.2d 467, O'Laughlin v. Doe (9th Cir. 1990)

920 F.2d 614, and DeLong v. Hennessey (9th Cir. 1990) 912 F.2d 1144.

4. Respondent's order has failed to show suing obnoxious/wacky justices, judges, magistrate judges, and commission -ers are frivolous and meritless when he/ she/they have failed to cite any authority supporting his/her/their persistent disre -gard of Rules and Laws.

5. District judge Manuel L. Real has the history in disregarding the rules and laws as demonstrated in In re Stephen Yagman (9th Cir. 1986), 796 F.2d 1165; U.S. v. Flynt (9th Cir. 1985) 756 F.2d 1352; Brown v. Daden (9th Cir. 1987) 815 F.2d 575; U.S. v. Martha Dahdah; Hernandez, et al. v. City of El Monte, 3/4/98 Los Angeles Daily Journal, DAR 2071.

REASONS FOR GRANTING THE WRIT

I. The Respondent's Order Is In Violation

BEST AVAILABLE COPY

Of The First Amendment To The United States Constitution

If the court would review all Exhibits included in Appeals and Petitions filed with "9th Cir.", the Court would find out that all of those filings:

1) did not lacking in "evidentiary support" or likely evidentiary support;

2) were "warranted by existing law" or a "nonfrivolous" arguments for exten -sion or change in existing law;

3) were not filed for "Improper purpose".

4) can show they did something wrong.

The facts those people took cover under various immunities proved he/she/they had disregarded the rules and laws.

In Amwest Mortgage Corp. v. Grady, 925 F2d 1162, 1165 (9th Cir. 1991), the Court defined the "Frivolous" Standard as:

An appeal is "frivolous" if the results are obvious or the arguments of error are wholly without merit.

In O'Loughlin v. Doe, 920 F2d 614, 617 (9th Cir. 1990), the Court held that An issue is "frivolous" if it has "no arguable basis in fact or law."

In Neitzke v. Williams 490 US 319, 325-327, 109 S.Ct. 1827, 1831-1823 (1989), the Supreme Court held that:

> "The Term 'Frivolous' embraces not only the inarguable legal conclusions but also the faciful factual allegations."

In Gardener v. Pogue, 528 F2d 548 (9th Cir. 1977), the Court defined the bad faith as follows:

> "An Appeal is in 'Good Faith' so long as it seeks review of any issue that is not Frivolous."

In Petition of General Motors Corp. (1962) 182 N.E.2d 815, the definition of "Meritorious" case is one that is worthy

of presentation to court, not one which is sure of success. M.G.L.A.c. 214 Section 28.

The General Motors court further stated that any genuine questions of law were involved in the proccedings below giving rise to a meritorious cause for appeal.

Attachments contained in Petitioner's Judicial Misconduct Complaints against district judges Real and King can show they had abused their power. Especially, Real had **manifested**, together with U. S. v. Flynt, 756 F.2d 1352 (9th Cir. 1985) and In re Matter of Stephen Yagman (9th Cir. 1986), 796 F.2d 1165, **the persistent disregard of Federal Rules and Laws**.

The First Amendment of the U. S. Constitution provides that Congress shall make no law abridging the right of people to petition the government **for a redress**

of grievances. Thus, the respondent's Orders could be perceived to be tantamount to Censorship and/or Dictatorship.

II. The Respondent's Order Is In Violation Of The Fourteenth Amendment To The Constitution

Per Fourteenth Amendment to the U. S. Constitution, a person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.

In Benjamin Weintraub and Alan N. Resnick's "Bankruptcy Law Manual", Third Edition, Warren, Gorham & Lamont, page 3 -24, paragraph (3) - The time to make an objection - the Manual states:

> "To object to the discharge of a debt, a Creditor must file a writ -ten complaint with the Bankruptcy Court. The Complaint must be filed within 60 days of the first date set by the court for the meet -ing of Creditors."

Petitioner, as Creditors, has every right to object to debtor(s)' fraudulent, dishonest, and false Chapter 7 Bankruptcy Petitions to wipe out Petitioner's judgments against debtors for rents owed and for damages caused by them.

In Shaw's order, the facts that he did not identify the parties in each case clearly show all those listed cases were not based on similar claims or involving the same transaction or event as Shaw asserted. Thus, the respondent's order has violated the Fourteenth Amendment to the Constitution.

III. The Respondent's Order Had violated Its Own Precedents

In Moy v. U. S. (9th Cir. 1990) 906 F.2d 467, 470, the Court held that an injunction cannot issue merely upon a showing of litigiousness. The plaintiff's

claims must not only be numerous, but also be patently without merit.

In O'Loughlin v. Doe (9th Cir. 1990) 920 F.2d 614, 617, the court stated:

> "This Circuit recently announced guidelines to maintain this delicate balance between broad court access and prevention of court abuse:
>
> (1) a plaintiff must be given adequate notice to oppose a restrictive pre-filing order before it entered; (2) a trial court must present an adequate record for review by listing the case filings that support its order; (3) the trial court must further make substantive findings as to the frivolousness or harrass -ing nature of the plaintiff's filings; and (4) the order must be narrowly tailored to remedy only the plaintiff's particular abuses (DeLong v. Hennessey, 912 F.2d 1114, 1147-49 (9th Cir. 1990))".

In DeLong v. Hennessey (9th Cir. 1990) 912 F.2d 1144, 1147, the court noted that:

> "Pre-filing orders should rarely be filed. See e.g., Oliver, 682 F.2d at 455 (an order imposing an injunc -tion 'is an extreme remedy, and

should be used only in exigent circumstances'); Pavilonis v. King 626 F.2d 1075, 1079 (1st Cir.) ('The use of such measures against a pro se plaintiff should be approached with particular caution.') cert. denied, 448 U.S. 829, 101 S.Ct. 96, 66 L.Ed.2d 34 (1980); In re Powell 851 F.2d 427, 431 (D.C. Cir. 1988) (per Curirm) (Such order should ' remain very much the exception to the general rule of free access to the courts.') (Quoting Pavilonis, Supra).

"The order has no boundaries. Compare Moy. 906 F.2d at 470. If we are to permit pre-filing restric-tive orders, these orders must be narrowly tailored . . . . Narrowly tailored orders are needed 'to prevent infringement on the litigator's right of access to the courts.'"

Thus, the Panel's Order not only has violated its own precedents, it could be also perceived to be tantamount to Censor-ship and/or Dictatorship even when petitioner as a appellee/respondent cannot file an appeal or a petition or a response.

CONCLUSION

Late Supreme Court Justice Stephen J. Field, 168 U.S. 716 (1897) had expres -sed "Senators represent their States, and Representatives their constituents, but this court stands for the whole country, and as such it is truly of the people, by the people, and for the people. It has no power to legislate, It cannot appropriate a dollar of money. It carries neither the purse nor the sword. But it possesses the power of declaring the law, and in that is found the safe guard which keeps the whole mighty fabric of govern- ment from rushing to destruction. This negative power, the power of resistence, is the only safety of a popular govern- ment."

Supreme Court Justice Mr. STEVENS has stated Freedom of access to the courts is a cherished value in our democratic

society. Incremental changes in settled rules of law often result from litigation. There is, and should be, the strongest presumption of open access to all levels of the judicial system. Creating a risk that the invocation of the judicial process may give rise to punitive sanction simply because the litigant's claim is unmeritorious could only deter the legitimate exercise of the right to seek a peace redress of grievances through judicial means.

Model Rules of Professional Conduct and Code of Judicial Conduct, Rule 3.1 provides **An action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however, if the client desires to have the action taken primarily for the purpose of harassing or maliciously injuring a**

person or if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.

In light of the foregoing points and authorities and the attached Appendixes, Petitioner respectfully requests that a Writ of Certiorari be issued to review the a Panel of the Court of Appeals for the Ninth Circuit's Order.

Dated: July 27, 1998

Shong-Ching Tong
Petitioner Pro Se

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: SHONG-CHING TONG,) No. 98-80150
)
Respondent.) ORDER
)

FILED April 28, 1998
CATHY A. CATTERSON, CLERK, U.S. COURT OF APPEALS

Before: BRUNETTI, RYMER, and T. G. NELSON, Circuit Judges

On March 4, 1998, this court issued an order directing respondent Shong-Ching Tong to respond and show cause why this court should not enter the following pre-filing review order. This court has reviewed the response to the order to show cause and hereby enters the following pre-filing review order.

Respondent's failure to comply with the order shall result in any new appeal-(s) he seeks to file being dismissed or

not being filed and other sanctions being levied against respondent, such as monetary judgment or a judgment of contempt, as the court may deem appropriate.

Pre-Filing Review Order

SAME AS

PRE-FILING REVIEW

ORDER contained in

the Appendix C.

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re	)	No. 98-80150
	)	
SHONG-CHING TONG.	)	SHONG-CHING TONG'S
	)	RESPONSE TO ORDER
	)	TO SHOW CAUSE

COMES NOW SHONG-CHING TONG ("TONG") and submits TONG's respose, together with the following documents 1 through 14, to Appellate Commissioner PETER L. SHAW's "Order to Show Cause", filed on March 4, 1998 as follows:

Attachments:

1. Los Angeles Daily Journal, "Issue of Impartiality", 2/4/98
2. Los Angeles Times' editoral, "Bankruptcy in Fat Days", 3/6/98
3. Inland Valley Daily Bullertin, "Judge Guilty of Misconduct", 3/12/96
4. Los Angeles Chinese Daily News, ARE AMERICAN CROWS WHITER?, 6/30/95

5. Reporting Obnoxious Judges, By attorney David Brown's "Fight your Ticket", Nolo Press

6. Order, 1/29/97

7. Order to Show Cause, 1/30/97

   (If district judges Manuel L. Real and Goerge H. King followed these established law/rule, Tong would not have to file the Petitions)

8. Memoranum Judgment, BR 36625 (CT 56693), 4/9/97

9. Memoranum Judgment, BV 21431 (96U00060), 7/29/97

10. "Order on Application for Waiver of Court Fees and Costs", 98U00117, 2/3/98, applied by THE PHELPS

    "Order on Application for Waiver of Court Fees and Costs", 97U00045, 1/21/97, applied by THE PHELPS

    (The PHELPS not only have repeatedly defrauded Lessors' rents, they have also repeatedly committed frauds on the COURTS. All of these facts can show Martin L. Goetsch, et al. have spoiled the PHELPS to continue do so

11. Transfer Order - Declined, CV 96-6450, 11/13/96

12. Order to Reassign Case (Magistrate Judge), CV 96-4787-GHK (Mc), 8/16/96 -- James W. McMahon cliamed he was sued

13. Pages 16, 17 of James W. McMahon's "Report and Recommdation". James W. McMahon refused to remove himself even after he was sued twice by me.

14. Notice of Transfer of Case, 3/11/93, Stephen Hillman - he falsely stated he was my attorney while I did not have an attorney as he alleged

Order to Reassign Case to Magistrate Judge for Discovery, 3/11/93

(In those cases shopped for by magis -trate judge James W. McMahon and district judge Robert M. Takasugi were unrelated. They had no intention to consolidate those cases. Instead, those cases were treated by them piecemeal.)

I. TONG DID NOT HAVE RECORD REGARDING NO. 94-50693

In Tong's recollection, there has no order/judgment issued by this court stating that Tong's appeal/petition was frivolous.

II. THE APPEALS/PETITIONS FILED BY TONG ARE/WERE NOT FRIVOLOUS AND/OR BAD FAITH

If the court would review all Exhibits included in Appeals and Petitions, the court would find out that Tong's

filings:

1) did not lacking in "evidentiary support" or likely evidentiary support;

2) were "warranted by existing law" or a "nonfrivolous" arguments for exten -sion or change in existing law;

3) were not filed for "Improper purpose".

4) The facts those people took cover under judicial immunity, Semi-Judicial Immunity, or Qualified Jundicial Immunity can show they did something wrong.

In Amwest Mortgage Corp. v. Grady, 925 F2d 1162, 1165 (9th Cir. 1991), the Court defined the "Frivolous" Standard as: An appeal is "frivolous" if the results are obvious or the arguments of error are wholly without merit.

In O'Loughlin v. Doe, 920 F2d 614, 617 (9th Cir. 1990), the Court held that An issue is "frivolous" if it has "no

arguable basis in fact or law."

In Neitzke v. Williams 490 US 319, 325-327, 109 S.Ct. 1827, 1831-1823 (1989), the Supreme Court held that:

> "The Term 'Frivolous' embraces not only the inarguable legal conclusions but also the faciful factual allegations."

In Adriana Int'l Corp. v. Thoeren (9th Cir. 1990), 913 F2d 1406, 1417, the Court also defined "Frivolous" standard as:

> "An Appeal is considered frivolous if the result is obvious or the appellant's arguments are wholly without merit". (emphasis added)

In Gardener v. Pogue, 528 F2d 548 (9th Cir. 1977), the Court defined the bad faith as follows:

> "An Appeal is in 'Good Faith' so long as it seeks review of any issue that is not Frivolous."

In Petition of General Motors Corp. (1962) 182 N.E.2d 815, the definition of "Meritorious" case is one that is worthy

of presentation to court, not one which is sure of success. M.G.L.A.c. 214 Section 28.

The General Motors court further stated that any genuine questions of law were involved in the proccedings below giving rise to a meritorious cause for appeal.

III. PETITIONS WERE FILED WHILE DISTRICT JUDGE MANUEL L. REAL HAD PERSISTENTLY DISREGARDED OF FEDERAL RULES AND LAW

In Re Bernard (9th Cir. 1994), 31 F3d 842, 843, the court held that:

> "Judicial Officials are under an ethical duty to satisfy themselves that they are actually unbiased toward parties in each case and that their impartiality cannot be reasonably questioned.

Attachments contained in Petitions and Appeals have shown district judge Real not only has abused his power, he had also manifested, together with U. S. v. Flynt, 756 F.2d 1352 (9th Cir. 1985)

and In re Matter of Stephen Yagman (9th Cir. 1986), 796 F.2d 1165, **the persistent disregard of Federal Rules and Laws.**

The First Amendment of the U. S. Constitution provides that Congress shall make no law abridging the right of people to petition the government **for a redress** of grievances. Thus, the Orders could be perceived to be tantamout to Censonship and/or Dictatorship (Attachments 6, 7).

Also, Per Fourteenth Amendment to the U. S. Constitution, a person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws (Attachments 6, 7 show the orders were unconstitutional).

In Benjamin Weintraub and Alan N. Resnick's "Bankruptcy Law Manual", Third Edition, Warren, Gorham & Lamont, page 3 -24, paragraph (3) - The time to make an objection - the Manual states:

"To object to the discharge of a debt, a Creditor must file a writ-ten complaint with the Bankruptcy Court. The Complaint must be filed within 60 days of the first date set by the court for the meet-ing of Creditors."

Tong, as Creditors, have every right to object to debtors' fraudulent, dishonest, and false Chapter 7 Bankruptcy Petitions to wipe out Tong's judgments against debtors.

District judge Real's Orders reflect his disregard of Federal Laws and Rules as depicted by the following cases:

In Brown v. Daden (9th Cir. 1987) 815 F.2d 575, the appellate court issued a "Writ of Mandamus" to compel district judge Real compliance with Court's deci-sion that district judge Real be replac-ed by judge randomly selected, because district judge Real's bias, overreaching, and massive sanction imposed against attorney in that action.

In re Matter of Stephen Yagman, Supra, the court, in reversing district judge Real's sanctions against Stephen Yagman, held that district judge Real had abused his discretion and a new judge should be randomly reassigned.

In U. S. v. Flynt, Supra, the appel-late court reversed Larry Flynt's convic-tions and vacated his sentences after the court found out that district judge Real had abused his discretion when he denied Flynt's motion for continuance and when he resorted to summary contempt proceedings.

Attachments 6 and 7 can show district judge Real had abused his judicial posi-tion when he 1) joined unrelated cases on January 30, 1997, 2) ignored the law as the Court reversed his rulings in In re Matter of Stephen Yagman and U. S. v. Flynt, and 3) violated the "Due Process

of Law" in dismissing of Tong's Bankruptcy Appeal just because Debtors are Mexican-Americans.

In Schwarzer, Tashima & Wagstaffe, CAL.PRAC.GUIDE: FED.CIV.PRO.BEFORE TRIAL (The Rutter Group, 1996), the GUIDE states:

> (6:181.1) - The challenged judge does not determine the legal sufficiency of the affidavit and cannot proceed further in the case until the motion is determined
>
> (6:206.1) - The challenged judge may not proceed further until the motion is determined.

As documents contained in Petitions demonstrate, district judge Real should not ignore the law that all proceedings stayed while Tong's motion to disqualify him was pending.

In Schwarzer, Tashima & Wagstaffe CAL.PRAC.GUIDE: FED.CIV.PRO.BEFORE TRIAL (GUIDE, The Rutter Group 1996), Page 16-54, the CUIDE states:

(16:139) "The single essential requirement is questions of law or fact common to the case that are to be consolidated."

(16:139.1) "It is not enough that the suits involve a common defendant if the factual and legal issues are otherwise unrelated (Enterprise Bank v. Saettele (8th Cir. 1994) 21 F3d 233, 236)."

(16:139.2) "Failure to make precise findings as to what are the common questions of law or fact renders consolidation an abuse of discretion (In re Repetitive Stress Injury Litig. (2nd Cir. 1993) 11 F3d 368, 373)".

(16:144) "A related case is one based on similar claims or involving the same transaction or event."

In the "Order to Show Cause" (Attachment 7), district judge Real did not state on what factual and legal issues those cases were related.

Moreover, those listed cases were not based on similar claims or involving the same transaction or event as district judge Real asserted.

IV. THE COURT SHOULD NOT REQUIRE TONG TO OBTAIN PRE-FILING REVIEW ORDER

In Moy v. U. S. (9th Cir. 1990) 906 F.2d 467, 470, the Court held that an injunction cannot issue merely upon a showing of litigiousness. The plaintiff's claims must not only be numerous, but also be patently without merit.

In O'Loughlin v. Doe (9th Cir. 1990) 920 F.2d 614, 617, the court stated:

> "This Circuit recently announced guidelines to maintain this delicate balance between broad court access and prevention of court abuse:
>
> (1) a plaintiff must be given adequate notice to oppose a restrictive pre-filing order before it entered; (2) a trial court must present an adequate record for review by listing the case filings that support its order; (3) the trial court must further make substantive findings as to the frivolousness or harrass -ing nature of the plaintiff's filings; and (4) the order must be narrowly tailored to remedy only the plaintiff's particular abuses (DeLong v. Hennessey, 912 F.2d 1114, 1147-49 (9th Cir. 1990))".

In re Demos 500 U.S. 16, 18, SUPREME COURT JUSTICES Marshall, Blackman, and Stevens, in their dissenting opinion, stated that:

> "The Court is sorely mistaken if it believes that the solution to the problem of a crowded docket is to crack down on a litigant like Demos."
>
> "The Court moves ever closer to the day when it leaves an indigent litigant with a meritorious claim out in the cold."

In DeLong v. Hennessey (9th Cir. 1990) 912 F.2d 1144, 1147, the court noted that:

> "Pre-filing orders should rarely be filed. See e.g., Oliver, 682 F.2d at 455 (an order imposing an injunc -tion 'is an extreme remedy, and should be used only in exigent circumstances'); Pavilonis v. King 626 F.2d 1075, 1079 (1st Cir.) ('The use of such measures against a pro se plaintiff should be approached with particular caution.') cert. denied, 448 U.S. 829, 101 S.Ct. 96, 66 L.Ed.2d 34 (1980); In re Powell 851 F.2d 427, 431 (D.C. Cir. 1988) (per Curirm) (Such order should ' remain very much the exception to the general rule of free access to the courts.') (Quoting Pavilonis, Supra).

> "The order has no boundaries. Compare Moy. 906 F.2d at 470. If we are to permit pre-filing restric-tive orders, these orders must be narrowly tailored . . . . Narrowly tailored orders are needed 'to prevent infringement on the litigator's right of access to the courts.'"

The First Amendment to the U. S. Constitution provides that Congress shall make no law abridging the right of people to petition the government for a redress of grievances.

Per Fourteenth Amendment to the U. S. Constitution, a person may not be depriv-ed of life, liberty, or property without due process of law or denied equal protec-tion of the laws.

Thus, Commissioner Shaw's Order could be perceived to be tantamount to Censor-ship and/or Dictatorship even when Tong. as a defendant, cannot file an appeal or a petition.—

V. TONG HAD THE RIGHT TO REPORT THOSE OBNOXIOUS JUGES

Title 42 U.S.C. Section 1983 provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities, secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

In Owen v. City of Independence, Mo., et al. 445 U.S. 621, 100 S.Ct. 2979, the U. S. Supreme Court held that:

"Civil Rights Act, by its terms, creates a species of tort liability that on its face admits of no immunities; its language is absolute and unqualified, and no mention is made of any privileges, immunities, or defenses that may be asserted; rather, it imposes liability upon 'every person,' who, under color of state law or custom, 'subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws." U.S.C.A.Const. Amend. 14.

"The purpose of the Act (is) to provide protection to those persons

wronged by the abuse of government authority and to deter future constitutional violations . . . ."

The U. S. Supreme Court further held that:

"Section 1983 was intended not only to provide compensation to the victims of past abuses, but to serve as deterrant against future constitutional deprivations, as well."

In Pierson v. Ray 87 S.Ct. 1213 (1967), Mr. Justice DOUGLAS of U. S. Supreme Court, in his dissenting opinion, had stated, or quoted, that:

"Congress intended to provide a remedy for the wrongs being perpetrated."

"The Courts are in many instances under the control of those who are wholly inimical to the impartial administration of law and equity."

"There had been a complete breakdown in the administration of justice in certain States and laws nondiscriminatory on their face were being applied in a discriminatory manner." at p. 1221

"The section's purpose was to provide redress for the deprivation

> of civil rights. It was recognized that certain members of the judiciary were instruments of oppression and were partially responsible for the wrongs to be remedied . . . . Some State Courts have been instruments of suppression of civil rights. . . ; but the wrong to be remedied still exists." at p. 1222

> "I cannot believe that judges * * * would failed to discharge their duty faithfully and fearlessly according to their oaths and consciences * * *." at p 1223

Documents contained in Appeals and herein can show Martin L. Goetsch, Jack P. Hunt, and S. Clark Moore, et al. had violated 42 U.S.C. Section 1983 after they repeatedly failed to process Tong's appeal in case nos. VP 94555, to restore judgment in 96U00060, and to refund Tong's money in CT 56693.

Since the Civil Rights Act authorizes any person, who is deprived of any right, privilege, or immunity secured to him by the Constitution of the United States, to bring an action against the wrong-doer in

the Federal Courts, plaintiffs had the right to sue Martin L. Goetsch, S. Clark Moore, et al. for their knowingly, fraudulently, and wantonly false statements and for their disrespect of the judicial system.

In Crooks v. Maynard 913 F.2d 699 (9th Cir. 1990), the court held that:

> "Mere fact that defendant is a judge does not mean that defendant has absolute immunity; absolute immunity only applies to judicial acts and not administrative, legislative, and executive functions that judges may perform."

If the law allows a party to appeal a judgment, then, Jack P. Hunt, Reginald Yates, Martin L. Goetsch, and Jennifer Wenger, who were empowered to faithfully enforce the law, had betrayed their oaths of offices by failing to perform their duties as in afore-mentioned cases.

VI. DEFENDANTS' ACTS AND CONDUCT HAD VIOLATED THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

In Maureen Harrison and Steve Gilbert's "The Americans with Disabilities Act Handbook", Excellent Books, 1992, they had printed President George Bush's statement upon signing the Americans With Disabilities Act of 1990:

> " . . . . The Americans with Disabi-lities Act (ADA) is such legislation. It promises to open up all aspects of American life to individuals with disabilities - employment opportunities, government services, public accomodations, transportation, and telecommunica-tions." (page i)

Since the Pomona Municipal Court and the District Court are one of the Branch Government offering government services and are open to public, district judge Real and other defendants had willfully, unlawfully, maliciously, unethically, and unprofessionally discriminated against Tong as a disabled person.

CONCLUSION

Tong does not think Tong has posed

a threat to the orderly administration of justice that this court should embark on the unprecedented and dangerous course as shown on the OSC.

Late Supreme Court Justice Stephen J. Field, 168 U.S. 716 (1897) had expres-sed "Senators represent their States, and Representatives their constituents, but this court stands for the whole country, and as such it is truly of the people, by the people, and for the people. It has no power to legislate, It cannot appropriate a dollar of money. It carries neither the purse nor the sword. But it possesses the power of declaring the law, and in that is found the safe guard which keeps the whole mighty fabric of govern-ment from rushing to destruction. This negative power, the power of resistence, is the only safety of a popular govern-ment."

Supreme Court Justice STEVENS has stated Freedom of access to the courts is a cherished value in our democratic society. Incremental changes in settled rules of law often result from litigation. There is, and should be, the strongest presumption of open access to all levels of the judicial system. Creating a risk that the invocation of the judicial process may give rise to punitive sanction simply because the litigant's claim is unmeritorious could only deter the legitimate exercise of the right to seek a peace redress of grievances through judicial means.

Model Rules of Professional Conduct and Code of Judicial Conduct, Rule 3.1 provides An action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, how-

ever, if the client desires to have the action taken primarily for the purpose of harassing or maliciously injuring a person or if the lawyer in unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.

DATED: March 16, 1998

/S/

Shong-Ching Tong

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: SHONG-CHING TONG,) No. 98-80150
)
Respondent.) ORDER
)

FILED March 4, 1998
CATHY A. CATTERSON, CLERK, U.S. COURT OF APPEALS

Before: Peter L. Shaw, Appellate Commissioner

ORDER TO SHOW CAUSE

This court's records reflect that, since 1993, respondent Shong-Ching Tong has initiated the following litigation in this court:

93-55910 - affirmed without argument;
94-56093 - dismissed as frivolous;
95-55176 - affirmed without argument;
95-55635 - affirmed without argument;
95-55692 - affirmed without argument;
95-55932 - dismissed for lack of jurisdiction;
95-66859 - affirmed without argument;
96-55192 - summarily affirmed;
95-55485 - affirmed without argument;
96-55524 - dismissed for lack of jurisdiction;
96-55591 - affirmed without argument;

96-56125 - affirmed without argument;
97-55252 - affirmed without argument;
97-55331 - affirmed without argument;
97-55550 - appeal pending;
97-55623 - appeal pending;
97-70207 - petition denied; and
97-80081 - petition denied.

Respondent's practice of burdening this court with meritless litigation justifies careful oversight of respondent's future litigation in this court.

The Supreme Court has recognized that "every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources. A part of the [c]ourt's responsibility is to see that these resources are allocated in a way that promotes the interests of justice. The continual processing of the [appellants'] frivolous requests . . . does not promote that end." In re McDonald, 489 U.S. 180, 184 (1989). This court faces the same problems of limited

resources in handling its large volumes of appellate litigation.

Therefore, the respondent, Shong-Ching Tong, is ordered to respond and show cause within 14 days of the entry of this order why this court should not enter the following pre-filing review order. See Visser v. California, 919 F.2d 113, 114 (9th Cir. 1990) ("This court has the inherent power to restrict a litigant's ability to commence abusive litigation"). If respondent fails to file a timely response to this order, the Clerk shall forthwith enter the pre-filing review order regardless of further filings by respondent.

Should the pre-filing review order be entered, respondent's failure to comply with the order shall result in any new appeal(s) he seeks to file being dismissed or not being filed and other

sanctions being levied against respondent, such as a monetary judgment or a judgment of contempt, as the court may deem appropriate.

Pre-Filing Review Order

(1) This Pre-Filing review order shall apply to all notices of appeal and petitions for extraordinary writs filed by respondent, in whole or in part, if he proceeds pro se. This order shall not apply to appeals or petitions in which respondent has counsel or where the district court has expressly certified in its order that the appeal or petition is not frivolous. Should respondent fail to comply with any of the provisions of this pre-filing review order, the Clerk shall not file the documents and shall return the documents to respondent, informing him of the deficiencies and granting him 14 days to correct the deficiency.

(2) Each notice of appeal or petition filed by respondent shall comply with the requirements of the Ninth Circuit Rules and the Federal Rule of Civil and Appellate Procedures, especially Federal Rule of Civil Procedure 54(b) and Federal Rule of Appellate Procedure 4(a), and shall contain the following sentence in capital letters "THIS NOTICE OF APPEAL/PETITION IS FILED SUBJECT TO PRE-FILING REVIEW ORDER nO. 98080150" in the body of the notice of appeal or petition.

(3) Each of respondent's future notices of appeal and petitions shall include a copy of the order(s) of the district courtfrom which he is appealing, a short and plain statement of the facts or law on which he will rely for the purposes of the appeal, and a statement that he has not previously appealed this order or raised this issue in a prior

appeal or petition.

(4) If respondent's future notices of appeal and petitions are submitted in compliance with this order, the Clerk shall lodge the notice of appeal or peti -tion and accompanying documents. The Clerk shall not file the appeal or peti -tion or establish a presumptive schedule for the certificate of record, briefing, or transcripts except upon further order of the court. Accord Sassower v. Sansverie, 885 F.2d 9, 10-11 (2nd Cir. 1989) (clerk "to refuse to accept for filing any submissions from [appellant] unless he has first obtained leave of the court of file such papers"). The court will review respondent's submissions and determine whether they merit further review and whether they should be filed.

(5) This pre-filing review order shall remain in effect until further order

of this court. Respondent may, no earlier than April 1, 2000, petition the court to lift this pre-filing review order, setting forth the reasons why the order should be lifted.

/S/ Peter L. Shaw

General Order 6.3(e)

Shong-Ching Tong
1741 Phillips Dr.
Pomona, CA 91766

March 8, 1998

Mr. Orrin G. Hatch
Chairman, Judicial Committee
U. S. Senate
135 Russell Senate Office Bldg.
Washington, DC 20510

Re: Peter Shaw's Order

Dear Mr. Hatch:

Enclosed please find copies of 1) Appellate Commissioner Peter L. Shaw's "ORDER TO SHOW CAUSE", 2) Chinese L. A. Daily News "ARE AMERICAN CROWS WHITER?", 6/30/95, 3) Inland Valley Daily Bullertin "COMMISSION ACCUSES JUDGE OF SEX MISCONDUCT", 2/10/98, sent to Mr. Bill Lann Lee, and 4) Los Angeles Daily Journal, "ISSUE OF IMPARTIALITY", 2/4/98.

If the Appellate Commissioner has the authority to issue his OPPRESSIVE ORDER, WHY the Court of Appeal need Circuit Judges?

Appellate Commissioner SHAW had will -fully, unlawfully, unethically, and unprofessionally misstated, misrepresent -ed, and distorted the facts and evudence in his ORDER:

1) He intentionally omitted parties' names;

2) He intentionally twisted each case's conclusion;

3) His ORDER had violated my constitutional rights to report OBNOXIOUS judicial tyrants.

Moreover, the U. S. Supreme Court has never barred anyone to file a "Petition for a Writ of Certiorari" and the Congress has never provided him or the Court of Appeal with the power to issue such an ORDER.

The Article "ARE AMERICAN CROWS WHITER?" has said very clear OUR SYSTEM IS FINE, BUT THE CROOKS ARE RUINING OUR SYSTEM.

In re Demos 500 U.S. 16, 18, SUPREME COURT JUSTICES MARSHALL, BLACKMAN, AND STEVENS, in their dissenting opinion, stated that:

> "The Court is sorely mistaken if it believes that the solution to the problem of a crowded docket is to crack down on a litigant like Demos."
>
> "The Court moves ever closer to the day when it leaves an indigent litigant with a meritorious claim out in the cold." Demos can file any petition when Demos pays the filing fee

In DeLong v. Hennessey (9th Cir. 1990) 912 F2d 1144, 1147, IT said:

> "Pre-filing orders should rarely be filed. See e. g., Oliver, 682 F2d at 455 (an order imposing an injunction 'is an extreme remedy, and should be used only in exigent

> circumstances'); Pavilonis v. King 626 F2d 1075, 1079 (1st Cir.) ('The use of such measures against a pro se plaintiff should be approached with particular caution.') cert denied. 448 U.S. 829, 101 S.Ct. 96, 66 L.Ed.2d 34 (1980); In re Powell 851 F2d 427, 431 (D.C. Cir. 1988) (Per Curirm) (Such order should 'remain very much the exception to the general rule of free access to the courts.')"
>
> "The order has no boundaries. Compare Mov. 906 F2d at 470. If we are to permit pre-filing restrictive orders, these orders must be narrowly tailored . . . . Narrowly tailored orders are needed 'to prevent infringement on the litigator's right of access to the courts.'"

As you can see from appellat commis-sioner Shaw's Order, he is acting for those Obnoxious Judicial Tyrants to stop me suing them and he has failed to show me suing judicial tyrants is a crime and the Congress has given him the power to do so.

If Chief Judge Hug had the time to blame the Judicial Committee on CBS for not passing judges' nominations as quick as Hug likes and appellate commissioner Shaw had the time to write his Vague, Ambiguous, and Overbroad Order, they should not complain about I used their resources - they had abused tax payers' money.

Sincerely

/S/

Shong-Ching Tong

CC: U. S. Senators Biden, Boxer, Feinstein, Grassley

U. S. Rep Tom Delay

Mr. Bill Lann Lee

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF	) No. 97-80526
	)
JUDICIAL MISCONDUCT	) ORDER
	)
	) FILED
	APR 14, 1998

Cathy A. Catterso
Clerk, U.S. COURT
OF APPEALS

Before: SCHROEDER, THOMPSON, HAWKINS, and T. G. NELSON, Circuit Judges, and BROOMFIELD, HOGAN, KEEP and EZRA, District Judges.

Pursuant to Chapter III of the Rules of the Judicial Council Governing Complaints of Judicial Misconduct or Disability under 28 U.S.C. Section 372(c), complainant has filed a petition for review of the order of the Chief Judge entered February 17, 1998, dismissing the complaint against two district judges.

We have carefully reviewed the record and the authorities cited by the Chief Judge in his order of dismissal. We

find no basis for overturning the order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling authority cited in support therefore, we affirm the dismissal order of February 17, 1998.

Shong-Ching Tong
1741 Phillips Dr.
Pomona, CA 91766

March 11, 1998

Ms. Cathy A. Catterson
Clerk of the Court
U. S. Court of Appeals
95 7th St.
San Francisco, CA 94103

Re: Judicial Misconduct Complaints against Manuel L. Real, Goerge H. King 97-80117, 97-80237, 97-80238, 97-80526

Dear Ms. Catterson:

I hereby petition the judicial council for review of the Chief Judge Proctor Hug, Jr.'s "Order and Memorandum" filed on February 17, 1998, case no. 97-80526.

The enclosed attachments support my petition for review:

1. Copies of 97-80117, 97-80237, and 97-80238 Complaints (Attachment 1; Exhibits are not included in this letter, because they can be viewed in the cases

files) can show I declare under penalty of perjury when I was complaining about Manuel L. Real and George H. King. Chief judge Hug has not said my complaints were false. Thus, Chief judge Hug's conclusion that the instant case is the same as cases nos. 97-80117, 97-80237, and 97-80238 were erroneous. As evidenced by the "Memorandum of Judgment" in cases nos. BR 36625 (CT 56693) and BV 21431 (96U00060) (Attachement 2), Martin L. Goetsch, S. Clark Moore, Jack P. Hunt, and Jennifer Wenger have repeatedly ignored the Los Angeles Superior Court's Orders to restore the judgment in case no. 96U00060, to refund my money in case no. CT56693, and my request to submit my appeal in case no. VP 94555 (See my letter to Jennifer Wenger, attachment 2).

Moreover, the attached "Orders on Application for Waiver of Court Fees and

Costs, 98U00117, RU v. PHELPS, et al., 1/28/98" (Attachment 3) can show Manuel L. Real, Martin L. Goetsch, Jack P. Hunt, and Jennifer Wenger should not encourage the PHELPS to repeatedly defraud lessors of their hard earned rents and to commit frauds on the courts when they falsely claimed they were indigent while they have been living in a very luxurious surroundings at other people and govern -ments' expenses since the PHELPS moved to California from Texas in 1995 (See attched Color Photos).

2. the L. A. Chinese Daily News' ARE AMERICAN CROWS WHITER (Attachemnt 4a), the Los Angeles Daily Journal's Issue of Impartiality (Attachmemt 4b), and the 3/12/96 Inland Valeey Daily Bullertin's Judge Guilty of Misconduct (Attachment 4c) can show Manuel L. Real and Goerge H. King had acted unlawfully, wantonly,

unprofessionally, and unethically in those cases as stated in my complaints against Manuel L. Real and Goerge H. King.

3. The Los Angeles Times' 3/6/98 editorial Bankruptcy in Fat Days (Attach -ment 5) can show Manuel L. Real should not help his Mexican-American debtors when Rosamaria Rains had repeatedly filed Chapter 7 Bankruptcy Petitions and Domingo Garcia (a young man, able-body, and lazy crook) should not rent the apartment in 1993 when they knew they did not have the money to pay rents or they should not lie to me from 1993 to 1995 and should not help his Mexican-American Crooks - THE PHELPS - repeatedly defrauded lessors' hard earned rental incomes.

4. A Judge is to disburse wisdom and justice. The enclosed attachments showed Goerge H. King and Manuel L. Real lack

judgment and wisdom in these cases. Especially, Manuel L. Real, a Mexican-American, should not ignore the law and rule when he shopped for and dismissed cases nos. 96-4488 and 97-0906 while his Mexican-American follows - Rasamaria Rains, Domingo Garcia, Philip Phelps, and Lupe Phelps - defrauded Lessors' incomes of rents.

Anyone with a sixth-grade education, after compared cases nos 97-80117, 97-80237, 97-80238, and 97-80526, would be able to tell they did not raise same issues and would be able to find ample facts and evidence contradict to Chief judge Hug's saying in his 2/17/98's Order. Therefore, I would hope the Non-Judge Council Members to review Chief judge Hug's Orders in these cases.

Thank you for your attention on my request.

Truly yours,

/S/

Shong-Ching Tong

CC: U. S. Senators Biden, Boxer, Feinstein, Grassley, Hatch

U. S. Reps. Tom Delay, Henry Hyde

PS: Enclosed please find copies of 1) my letter to Chief judge Hug regard -ing my judicial misconduct complaint sent to your office on 10/27/98, 2) Receipt for Certified Mail re the complaint in 2), and 3) the Judicial Misconduct Complaint (Exhibits not included). Please let me know whether your office has reveived them. If so, please tell me the case no..

JUDICIAL COUNCIL

FOR THE NINTH CIRCUIT

In Re Charge of	) No. 97-80526
	)
Judicial Misconduct	) ORDER AND
	) MEMORANDUM
	) FILED
	FEB 17, 1998

Cathy A. Catterson
Clerk, U.S. COURT
OF APPEALS

Before: HUG, Chief Judge

A complaint of misconduct has been filed against two district judges of this circuit and Administrative consideration of such complaints is governed by the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability (Misconduct Rules), issued pursuant to the Judicial Council Reform and Judicial Conduct and Disability Act of 1980. 28 U.S.C. Section 372(c).

This complaint raises issues identical to those raised by complainant in

case numbers 97-80117, 97-80237 and 97-80238. Those complaints are dismissed by order dated November 12, 1997. On December 15, 1997, complainant petitioned the judicial council for review of that order. On January 15, 1998, the judicial council issued its own order affirming the order dismissing the original complaints. As this complaint contains no new allegations, it is not appropriate for consideration. Misconduct Rule (4)(c)(4).

COMPLAINT DISMISSED.

/S/

Chief Judge

JUDICAIL MISCONDUCT COMPLAINTS RE
MANUEL L. REAL, GOERGE H. KING
10/27/97

1. On 1/29/97, Manuel L. Real, after shop -ped for the case no. 96-8467 (96-8464) from Riverside Division, oppressively, unlawfully, and unconstitutionally issued an Order telling Clerks of the District Court and the Bankruptcy Court not to allow me to file any new action (Ex. 2), even after he had been removed as a chief judge and when debtor/defendant owed money to me and filed fraudulent Bankruptcy Petition to cheat people. For example, in case no. 97-0906, Manuel L. Real is a Mexican-Ameri -can and his follow Mexican debtors owed me back rents over $9,500.00. Manuel L. Real unlawfully and oppressively dismissed my Bankruptcy Appeal after Manuel L. Real shopped for the case no. 97-0906 from Riverside Divi-

sion so that he could help his follow Mexican-Americans.

2. On 1/30/97, Manuel L. Real unlawfully, unconstitutionally, and oppresively issued an "Order to Show Cause" after he had abused his power consolidated unrelated cases (Ex. 3).

3. On February 28, 1997 at 12:12 p. m., I filed the "Plaintiff's Response to Order to Show Cause" (Ex. 4) and a "Notice of Motion and Motion to Disqua-lify District Judge Manuel L. Real; Request for Judicial Notice, etc." (Ex. 5) 1) after Manuel L. Real issued his 1/29/97 and 1/30/97 unlawful and unconstitutional orders (Exs. 2, 3), 2) for his bias and prejudice, 3) after he had "Closed Mind" on key issues, 4) after he grouped unrelated cases (Ex. 3), and 5) after district judge Robert M. Takasugi had disquali-

fied himself from case no. 95-6673, which had been held by magistrate judge Brian Q. Robbins since the "Plaintiff's Opposition to defendants' motion to dismiss" was filed on 7/30/96. Employ -ees in the Clerk's Office crossed out the Hearing Date (Ex. 5). Goerge H. King denied my motion the same after- noon without a hearing or reading the facts and evidence mentioned in the Motion.

4. On 3/4/97, I received the "Referral of Motion to Disqualify Judge/Magistrate Judge", which was dated on 2/28/97, mailed on 3/3/97 (Ex. 5). The motion was given to Goerge H. King by the Clerk's Office (????).

5. On or about March 5, 1997, I received Goerge H. King's Civil Minutes - General, which was dated 2/28/97, mail -ed on 3/3/97. Ex. 5's "Civil Minutes

- General" can show George H. King did not waste any time in denying my Motion to disqualify Manuel L. Real in spite of the facts that Manuel L. Real had transferred the case CV 96-4488 to Robert M. Takasugi and to Richard A. Paez and that Manuel L. Real had no jurisdiction over the case no. 96-4488 after an appeal had been filed.

6. On 3/5/97, Manuel L. Real, as he did in U. S. v. Flynt and In re Stephen Yagman and was in violation of Due Process of Law and has no jurisdiction, issued a "Warrant for Arrest" to intimidate me (Ex. 6). Manuel L. Real had intentionally, repeatedly, and unethically violated my constitutional rights and the ADA (Exs. 2, 3, 6, 8).

7. On March 6, 1997, I filed a "Notice of Motion and Motion for Reconsideration of Court's Ruling Re Motion to Disquali

-fy District Judge Manuel L. Real, etc." after Goerge H. King ignored the afore-said facts and evidence that Manuel L. Real's impartiality has been in question and Manuel L. Real has beer bias and prejudice and has been a racist (Exs. 4, 5, 6, 8 - U. S. vs. Martha Dahdah - she was a 19 year old Hispanic girl, was convicted of Bankru -ptcy Fraud and Manuel L. Real let her go free). Again, Goerge H. King, ignored the facts and evidence as shown in case nos. CV 95-6673, CV 96-4488, and others, vacated the hearing date, denied my Motion for Reconsideration on March 11, 1997 (Ex. 7 - Civil Minutes - General).

8. Exhibit 10 can show Manuel L. Real's 1/29/97 order was unlawful, unconstitu -tional, unethical, unprofessional, and oppressive. Real should not protect

his Mexican-American debtors by denying my right to access the Court.

9. Ample case laws, Statute, facts, and evcidence can show Goerge H. King has been incompetent in denying my motions to disqualify Manuel L. Real and for Reconsideration. Had Goerge H. King reviewed all documents as requested to take Judicial Notice, Goerge H. King would find out Manuel L. Real had acted unethically, unprofessionally, unlawful -ly, willfully, wantonly, maliciously, and oppressively to include the case no. CV 96-4488 in his unlawful Orders of 1/30/97 and 3/20/97 after Manuel L. Real had transferred the case to Robert M. Takasugi and after the case no. CV 96-4488 has been pending on appeal.

If Goerge H. King, conspired with Manuel L. Real, could deny my "Motion

to Disqualify" Real in a very short period of time and without a hearing, the unlawful arrest and false imprison -ment by Manuel L. Real could be perceived to be tantamount to CENSOR-SHIP, DICTATORSHIP, AND JUDICIAL OPPRES -SION, which have been the excuses of the U. S. to criticize other countries for violations of Human Rights, Consti-tutional right, and "NO LAW AND ORDER".

10. Goerge H. King once told people that his parents, while he was 11 years old, left China because China's oppre -ssive regime his parents did not like. The acts and conduct of Goerge H. King as stated in my Complaints can clearly show he should not make such statement when he himself has been doing the same oppressive acts, ignor -ing the law, order, facts, and evidence and betraying his oath of

office (Exs. 2, 3, 6, 10).

11. If San Diego Federal judges could disqualify themselves from a case involving a State judge's misconduct trial (Ex. 9 - Judge Guilty of Miscon -duct), then, Goerge H. King and Manuel L. Real should do the same thing when their peers are defendants in case nos. CV 95-6673 and 96-7809. Thus, Goerge H. King had no reason to deny my motion disqualifying Manuel L. Real in case no. CV 95-6673 on 2/28/97.

12. Real and King have not only acted unlawfully, wantonly, and oppressive -ly, they had also committed TREASON TO THE CONSTITUTION, which they swore to defend, obey, and be faithful.

13. Real shopped for this case after his beloved magistrate James W. McMahon had been sued by me for obstructions of justices (Ex. 1).

14. If we compare the "Order to Show Cause" (Ex. 3) with "Order of Dismis -sal" (Ex. 8), even the most stupid person can tell the Case No. CV 97-0906-R was not in the Exhibit 3. Manuel L. Real did so just because I had filed "Petitions for Writ of Mandamus" challenging Manuel L. Real's unlawful orders of 1/29/97 and 1/30/97.

15. 28 U.S.C. Sections 144 and 455 provide that a motion to disqualify a judge has to be a noticed motion. Goerge H. King, should be faithfully followed his oath of office - he sworn he would obey the law, which says he cannot dispose of noticed motion without a hearing and ignored the evidence that Manuel L. Real was/is not impartial and has been a racist.

16. Manuel L. Real and Goerge H. King have no "Law and Order", have no respect to

the judicial system, and had acted unethically and unprofessionally in my cases. They have no right to violate my Constitutional rights and my human rights.

17. Exhibit 4 can show Manuel L. Real and Goerge H. King were blinded by prejudice and bias when the case no. CV 96-4488 had been dismissed and an appeal had already been filed. Manuel L. Real and Goerge H. King should know they had no jurisdiction over Case No. CV 96-4488. This example clearly shows Manuel L. Real's and Goerge H. King's conduct and acts were unlawful, willful, frivolous, malicious, wanton, unethical, unprofessional, and oppres-sive. The facts that Manuel L. Real shopped for the case nos. CV 96-4488 and 97-0906 and Real's violation of Due Process in issuing the "Warrant

for Arrest" would give Goerge H. King, if he has the guts, enough ground to disqualify Manuel L. Real when Real's impartiality and motive were in question. Goerge H. King ignored the Statute and cases and denied my motions. Goerge H. King has no respect to the law and rules and had insulted the judicial system just as like his parents complained about China Oppressive Regime, which no one knows whether his parents told any truth.

18. Under equal protection of the law, Manuel L. Real and Goerge H. King should know I have a right to object any debtors' false and fraudulent Bankruptcy Petition to protect my financial interests (Ex. 10). Manuel L. Real and Goerge H. King should know Real's 1/29/97 order was unlawful.

unconstitutional, unethical, unprofessional, and oppressive when Real wanted to help his Mexican-American debtors.

LIST OF EXHIBITS (Ex)

1. Complaint, 95-6673-IH (BQR), 10/5/95 (12 Pages)

2. Order (enjoining from filing any further matters either in United States District Court or Bankruptcy Court, 96-8467 (96-8464), 1/29/97 (1 Page)

3. Order to Show Cause, 95-6673, 1/30/97 (2 Pages)

4. Plaintiff's Response to Order to Show Cause, 95-6673, 2/28/97 at 12:12 p. m. (11 Pages)

5. Notice of Motion and Motion to Disqualify district judge Manuel L. Real; Request for Judicial Notice; Memorandum of Points and Authorities and Declaration of Shong-Ching Tong in Support Thereof, 95-6673, 2/28/97 at 12:12 p. m. (10 Pages)

Referral of Motion to Disqualify Judge /Magistrate Judge 95-6673, 2/28/97, mailed 3/3/97 (2 pages; envelop)

Civil Minutes - General, 95-6673,

2/28/97, mailed 3/4/97 (denying motion to disqualify district judge Manuel L. Real) (2 pages; envelop)

6. Warrant for Arrest, 95-6673, 3/5/97 (1 Page)

7. Notice of Motion and Motion for Reconsideration of Court's ruling Re: Motio to Disqualify District Judge Manuel L. Real; Memorandum of Points and Authorities and Declaration of Shong-Ching Tong in Support thereof, 95-6673, 3/6/97 (6 Pages)

   Civil Minutes - General, 95-6673, 3/11/97, mailed 3/12/97, meter date 3/13/97 (2 pages; envelop)

8. Order of Dismissal, 95-6673, 3/21/97 (1 Page)

9. Newspaper clipping - Inland Valley Daily Bulletin, 3/12/97, - Judge Guilty of Misconduct (1 Page)

10. Writ of Execution (Money Judgment), case no. 175840, San Bernardino County Municipal Court, 10/8/96

    Bankruptcy Notice, Los Angeles County Sheriff's Office, case no. 175840 (Bankruptcy Case no. SB 96-28780-RA), 11/15/96

    Complaint to Determine Dischargeabilities of debts obtained by false pretense, false representations, and caused by willful and malicious injur to property, and to object discharge

of debts because debtor made false oath and account, Chapter 7 Case No. SB 96-28780-RA, ADV. no. SB 96-2039-RA, 12/17/96

Stipulation for Judgment, Chapter 7 Case No. SB 96-28780-RA, ADV. no. SB 96-2039-RA, 6/27/97

JUDICAIL MISCONDUCT COMPLAINTS RE
MANUEL L. REAL, GOERGE H. KING
10/8/97

1. On November 7, 1996, I filed a civil complaint against defendants S. Clark Moore, Jack P. Hunt, Reginald Yates, Dan O'Connel James Weyant, Jennifer Wenger, Carrla Cross, M. Myers, Goerge Moore, Sheriff Deputy Zalba, Robert M. Takasugi, and James W. McMahon for violations of civil rights, ADA, and racial discrimination and false arrest and imprisonment, inter alia (Exs. 1, 3 thru 5).

Exs. 3 thru 5 can show defendant S. Clark Moore acted, as district judge Manuel L. Real did in case no. 95-6673, like a judicial tyrant. Defendants S. Clark Moore, Jack P. Hunt, and Jennifer Wenger are still ignoring the Memorandum Judgment to dismiss the traffic ticket and give me money back.

2. On 1/29/97, Manuel L. Real, instead of disqualifying himself from the case as defendants Robert M. Takasugi and James W. McMahon were/are his judicial colleague (Ex. 13), oppressively, unlawfully, and unconstitutionally issued an Order telling Clerks of the District Court and the Bankruptcy Court not to allow me to file any new action (Ex. 6), even after he had been removed as a chief judge and when debtor/defendant owed money to me and filed fraudulent Bankruptcy Petition to cheat people.

For example, in case no. 97-0906, Manuel L. Real is a Mexican-American and his follow Mexican debtors owed me back rents over $9,500.00. Manuel L. Real unlawfully and oppressively dismis-sed my Bankruptcy Appeal after Manuel L. Real shopped for the case no. 97-0906 from Riverside Division so that he

could help his follow Mexican-Americans

3. On 1/30/97, Manuel L. Real unlawfully, unconstitutionally, and oppresively issued an "Order to Show Cause" after he had abused his power consolidated unrelated cases (Ex. 7).

4. On February 28, 1997 at 12:12 p. m., I filed the "Plaintiff's Response to Order to Show Cause" (Ex. 8) and a " Notice of Motion and Motion to Disqua-lify District Judge Manuel L. Real; Request for Judicial Notice, etc." (Ex. 9) 1) after Manuel L. Real issued his 1/29/97 and 1/30/97 unlawful and uncon -stitutional orders (Exs. 6, 7), 2) for his bias and prejudice, 3) after he had "Closed Mind" on key issues, 4) after he grouped unrelated cases (Ex. 7), and 5) after district judge Robert M. Takasugi had disqualified himself from case no. 95-6673, which had been held

by magistrate judge Brian Q. Robbins since the "Plaintiff's Opposition to defendants' motion to dismiss" was filed on 7/30/96. Employees in the Clerk's Office crossed out the Hearing Date (Ex. 8). Goerge H. King denied my motion the same afternoon without a hearing or reading the facts and evidence mentioned in the Motion.

5. On 3/4/97, I received the "Referral of Motion to Disqualify Judge/Magistrate Judge", which was dated on 2/28/97, mailed on 3/3/97 (Ex. 9). The motion was given to Goerge H. King by the Clerk's Office (????).

6. On or about March 5, 1997, I received Goerge H. King's Civil Minutes - General, which was dated 2/28/97, mail -ed on 3/3/97. Ex. 9's "Civil Minutes - General" can show Goerge H. King did not waste any time in denying my Motion

to disqualify Manuel L. Real in spite of the facts that Manuel L. Real had transferred the case CV 96-4488 to Robert M. Takasugi and to Richard A. Paez and that Manuel L. Real had no jurisdiction over the case no. 96-4488 after an appeal had been filed.

7. On 3/5/97, Manuel L. Real, as he did in U. S. v. Flynt and In re Stephen Yagman and was in violation of Due Process of Law and has no jurisdiction, issued a "Warrant for Arrest" to intimidate me (Ex. 10). Manuel L. Real had intentionally, repeatedly, and unethically violated my constitutional rights and the ADA (Exs. 6, 7, 10, 12).

8. On March 6, 1997, I filed a "Notice of Motion and Motion for Reconsideration of Court's Ruling Re Motion to Disqualify District Judge Manuel L. Real, etc." after Goerge H. King ignored the

afore-said facts and evidence that Manuel L. Real's impartiality has been in question and Manuel L. Real has been bias and prejudice and has been a racist (Exs. 8, 9, 10, 12) - U. S. vs. Martha Dahdah - she was a 19 year old Hispanic girl, was convicted of Bankruptcy Fraud and Manuel L. Real let her go free). Again, Goerge H. King, ignored the facts and evidence as shown in case nos. CV 95-6673, CV 96-4488, and others, vacated the hearing date, denied my Motion for Reconsideration on March 11, 1997 (Ex. 11 - Civil Minutes - General).

9. The Memorandum Judgment (Ex. 5) issued by the Appellate Department of Los Angeles Superior Court blamed the Pomona Municipal Court for their repeated violations of the law and rules after they failed to process my appeals

timely. Up to this date, S. Clark Moore, Jack P. Hunt, and Jennifer Wenger have ignored the "Memorandum Judgment", which reversed (CT 56693) judgment (Ex. 3) and directed to dismiss the traffic ticket (Ex. 5).

10. Ample case laws, Statute, facts, and evcidence can show Goerge H. King has been incompetent in denying my motions to disqualify Manuel L. Real and for Reconsideration. Had Goerge H. King reviewed all documents as requested to take Judicial Notice, Goerge H. King would find out Manuel L. Real had act -ed unethically, unprofessionally, unlawfully, willfully, wantonly, mali -ciously, and oppressively to include the case no. CV 96-4488 in his unlawful Orders of 1/30/97 and 3/20/97 after Manuel L. Real had transferred the case to Robert M. Takasugi and

after the case no. CV 96-4488 has been pending on appeal.

If Goerge H. King, conspired with Manuel L. Real, could deny my "Motion to Disqualify" Real in a very short period of time and without a hearing, the unlawful arrest and false impri-sonment by Manuel L. Real could be perceived to be tantamount to CENSOR-SHIP, DICTATORSHIP, AND JUDICIAL OPPRESSION, which have been the excus-es of the U. S. to criticize other countries for violations of Human Rights, Constitutional right, and "NO LAW AND ORDER".

11. Goerge H. King once told people that his parents, while he was 11 years old, left China because China's oppre-ssive regime his parents did not like. The acts and conduct of Goerge H. King as stated in my Complaints can

clearly show he should not make such statement when he himself has been doing the same oppressive acts, ignor-ing the law, order, facts, and evidence and betraying his oath of office (Exs. 3, 10).

12. If San Diego Federal judges could disqualify themselves from a case involving a State judge's misconduct trial (Ex. 13 - Judge Guilty of Misconduct), then, Goerge H. King and Manuel L. Real should do the same thing when their peers are defendants in case nos. CV 95-6673 and 96-7809. Thus, Goerge H. King had no reason to deny my motion disqualifying Manuel L. Real in case no. CV 95-6673 on 2/28/97.

13. Real and King have not only acted unlawfully, wantonly, and oppressive-ly, they had also committed TREASON TO THE CONSTITUTION, which they swore to

defend, obey, and be faithful.

14. Real shopped for this case after his beloved magistrate James W. McMahon had been sued by me for obstructions of justices (Ex. 1).

15. If we compare the "Order to Show Cause" (Ex. 7) with "Order of Dismissal" (Ex. 12), even the most stupid person can tell the Case No. CV 97-0906-R was not in the Exhibit 7. Manuel L. Real did so just because I had filed "Petitions for Writ of Mandamus" challenging Manuel L. Real's unlawful orders of 1/29/97 and 1/30/97.

16. 28 U.S.C. Sections 144 and 455 provide that a motion to disqualify a judge has to be a noticed motion. Goerge H. King, should be faithfully followed his oath of office - he sworn he would obey the law, which says he cannot dispose of noticed motion without a

hearing and ignored the evidence that Manuel L. Real was/is not impartial and has been a racist.

17. Manuel L. Real and Goerge H. King have no "Law and Order", have no respect to the judicial system, and had acted unethically and unprofessionally in my cases. They have no right to violate my Constitutional rights and my human rights.

18. Exhibit 8 can show Manuel L. Real and Goerge H. King were blinded by prejudice and bias when the case no. CV 96-4488 had been dismissed and an appeal had already been filed. Manuel L. Real and Goerge H. King should know they had no jurisdiction over Case No. CV 96-4488. This example clearly shows Manuel L. Real's and Goerge H. King's conduct and acts were unlawful, willful, frivolous, malicious, wanton,

unethical, unprofessional, and oppressive.

The facts that Manuel L. Real shopped for the case nos. CV 96-4488 and 97-0906 and Real's violation of Due Process in issuing the "Warrant for Arrest" would give Goerge H. King, if he has the guts, enough ground to disqualify Manuel L. Real when Real's impartiality and motive were in question.

Goerge H. King ignored the Statute and cases and denied my motions. Goerge H. King has no respect to the law and rules and had insulted the judicial system just as like his parents complained about China Oppressive Regime, which no one knows whether his parents told any truth.

LIST OF EXHIBITS (Ex)

1. Complaint, 96-7809-WJR (SH), 11/7/96 (24 Pages)

2. Complaint, 95-6673-IH (BQR), 10/5/95 (12 Pages)

3. Docket Sheet, CT 56693, Pomona Municipal Court (2 Pages)

4. Appellant's Opening Brief, BR 36625 (CT 56693), 2/6/97 (12 Pages)

5. Memorandum Judgment, BR 36625 (CT 56693), 4/9/97 (4 Pages)

6. Order (enjoining from filing any further matters either in United States District Court or Bankruptcy Court, 96-8467 (96-8464), 1/29/97 (1 Page)

7. Order to Show Cause, 95-6673, 1/30/97 (2 Pages)

8. Plaintiff's Response to Order to Show Cause, 95-6673, 2/28/97 at 12:12 p. m. (11 Pages)

9. Notice of Motion and Motion to Disqua -lify district judge Manuel L. Real; Request for Judicial Notice; Memorandum of Points and Authorities and Declaration of Shong-Ching Tong in Support Thereof, 95-6673, 2/28/97 at 12:12 p. m. (10 Pages)

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10. Warrant for Arrest, 95-6673, 3/5/97 (1 Page)

11. Notice of Motion and Motion for Recon -sideration of Court's ruling Re: Motion to Disqualify District Judge Manuel L. Real; Memorandum of Points and Authorities and Declaration of Shong-Ching Tong in Support thereof, 95-6673, 3/6/97 (6 Pages)

    Civil Minutes - General, 95-6673, 3/11/97, mailed 3/12/97, meter date 3/13/97 (2 pages; envelop)

12. Order of Dismissal, 95-6673, 3/21/97 (1 Page)

13. Newspaper clipping - Inland Valley Daily Bulletin, 3/12/97, - Judge Guilty of Misconduct (1 Page)

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF	)	No. 97-80117 and
	)	97-80237/38
JUDICIAL MISCONDUCT	)	ORDER
	)	
	)	FILED

JAN 15, 1998

Cathy A. Catterson
Clerk, U.S. COURT
OF APPEALS

Before: SCHROEDER, THOMPSON, HAWKINS, and T. G. NELSON, Circuit Judges, and GOERGE, BYRNE and KEEP, District Judges.

Pursuant to Chapter III of the Rules of the Judicial Council Governing Complaints of Judicial Misconduct or Disability under 28 U.S.C. Section 372(c), complainant has filed a petition for review of the order of the Chief Judge entered November 12, 1997, dismissing the complaint against two district judges.

We have carefully reviewed the record and the authorities cited by the Chief Judge in his order of dismissal. We

find no basis for overturning the order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling authority cited in support therefore, we affirm the dismissal order of November 12, 1997.

Shong-Ching Tong
1741 Phillips Dr.
Pomona, CA 91766

Dec. 9, 1997

Ms. Cathy A. Catterson
Clerk of the Court
U. S. Court of Appeals
95 7th St.
San Francisco, CA 94103

Re: Judicial Misconduct Complaints against Manuel L. Real, Goerge H. King
97-80117, 97-80237, 97-80238

Dear Ms. Catterson:

I hereby petition the judicial council for review of the Chief Judge Proctor Hug, Jr.'s "Order and Memorandum" filed on November 12, 1997.

The reasons for my petition for review are:

1. Chief Judge Hug erred in consoli-dating my complaints against Manuel L. Real and Goerge H. King when a) 97-80117 was regarding Manuel L. Real's unconstitutional Orders of 1/29/97 and 1/30/97.

b) 97-80237 was regarding Manuel L. Real's unlawful and fraudulent dismissal of my Bankruptcy Appeal after he shopped from Riverside Division and when debtors are, same as him, Mexican-Americans, and c) 97-80238 was regarding Manuel L. Real's unlawful, malicious, and oppressive dismissal of case no. 96-4488 while an appeal filed and was pending and he had no jurisdiction to shop for the case 96-4488.

2. First Amendment to U. S. Constitu-tion provides people can petition the government for a redress of grievances. There is no law prohibits people to sue those obnoxious judges, magistrate judges, or commissioners when they acted unethi-cally, unprofessionally, oppressively, and unlawfully. Especially, when those judicial bad apples had betrayed their sacred oaths of offices. In Chief Judge

Hug's "Memorandum" and Manuel L. Real's 1/29/97 and 1/30/97 Orders, they had failed to cite any authority supporting their assertions that suing obnoxious judicial bad apples were against law. The fact that those obnoxious judges, magistrate judges, commissioners took cover under judicial immunity can prove they had not only betrayed their sacred oaths of offices. They had also shown their disrespect of the law and rule.

4. Bankruptcy Law allows Creditors to object discharge of debtor's fraudulent bankruptcy filing. Chief Judge Hug and Manuel L. Real had also failed to cite any authority that I, as Creditor after found Mexican-American debtors defrauding me, have no right to file a complaint objecting the discharge of Mexican-American debtors' debts. Manuel L. Real, also a Mexican-American, should

not ignore the Bankruptcy Law barring me to file complaint in the Bankruptcy Court objecting discharge of debtors' false debts.

5. Manuel L. Real had no jurisdiction over case no. CV 96-4488 after a dismissal entered and an appeal filed. Real's act and conduct can show he had no respect to the law and judicial system as Real had displayed in case no. CV 96-4488. Real had also shown his disrespect of the law and judicial process in cases such as U.S. v. Flynt, In re Matter of Stephen Yagman, U.S. v. Martha Dahda, and Brown v. Daden.

6. Chief Judge Hug should not say Manuel L. Real's abuse of judicial position is the same as a "Decision". In U.S. v. Flynt, the 9th Circuit had cited Real's abuse of his judicial position after Real shopped for that case and had

ordered Real to get out of that case. In 97-80117, 97-80237, and 97-80238, both Chief Judge Hug and Manuel L. Real fail -ed to state on what basis Manuel L. Real could consolidate them together.

7. Fourth Amendment to U. S. Constitution says the right of people to be secured in their persons, houses, papers, and effects, against unconstitional searches and seizures, should not be violated . . . . Chief Judge Hug had failed to cite any law supporting Manuel L. Real's unlawful arrest of me.

8. Fifth Amendment to U. S. Constitu -tion says no person shall be deprived of life, liberty, or property, without due process of law. Chief Judge Hug, after spent over eight (8) months (which is in violation of Rule 4 of Rules of the judicial council of the 9th Circuit -

COMMENTORY ON RULE 4 - EXPEDITIOUS REVIEW - The Statute requires the Chief Judge to review a judicial complaint expeditiously. It should be a rare case in which more than a month is permitted to elapse from the filing of the complaint to the Chief Judge's action on it.)

9. Chief Judge Hug erred in saying the record dose not reveal any evidence to support those charges (p. 5. lines 7 & 8). From March, 1997 to November, 1997, some eight (8) months of time elasped and hundreds of pages of Exhibits attached with my complaints and court cases files are ready at his finger-tips, Chief Judge Hug cannot say there are no evidence supporting my complaints against Manuel L. Real and Goerge H. King. Moreover, Chief Judge Hug should not say the case In re Charge of Judicial Misconduct (9th Cir. 1982) 685 F2d 1226 is the same as

Manuel L. Real did in my complaints.

In re Charge of Judicial Misconduct, Manuel L. Real and King (may be Goerge H. King) were two of the seven people who made that opinion. In that case, Bankru -ptcy judges (I assume they were) did not shop for that case; the Bankruptcy Trus- tee did not shop for that case. Bankru -ptcy Judges and Trustee 1) did not issue any "Warrant" to arrest that Debtor, 2) did not illegal cite that debtor for civil contempt, 3) did not unlawfully dismiss that debtor's Bankruptcy case maliciously and oppressively, Inter alia. Thus, Chief Judge Hug erred in citing that case to support his "Order and Memorandum".

10. According to Rule 4 (c) - Dismis -sal, the Rule says a complaint will be dismissed if the Chief Judge concludes: (a Copy is fixed with this letter at this

space)

(c) Dismissal. A complaint will be dismissed if the chief judge considers: (1) that the claimed conduct, even if the claim is true, is not "conduct" prejudicial to the effective and expeditious administration of the business of the courts" and does not indicate a mental or physical disability resulting in inability to discharge the duties of office; (2) that the complaint is directly related to the merits of a decision or procedural ruling; (3) that the complaint is frivious, a term that includes making charges that are wholly unsupported; or (4) that, under the statute, the complaint is otherwise not appropriate for consideration.

As I stated in this letter and in my complaints, any person with common sense, would know Chief Judge Hug's "Order and

Memorandum" applied a thick coat of WHITEWASH - An Oldboy Club scratching each other's back.

11. A Judge is to disburse wisdom and justice. In these cases, they showed Goerge H. King lacks judgment and wisdom. Goerge H. King once said when he was 11, his parents left Hong Kong for California after they left China due to China's Oppressive Regime.

Goerge H. King was born in 1951 in Shanghai, China. His statement that China's oppressive regime was vague and misleading because Goerge H. King failed to say which China - the Mainland China or the Nationalist China.

I was born in 1935 in China, may be a couple of years younger than his parents. My family moved to Taiwan in 1947 after my father was offered a job in Taiwan. In 1947, the Mainland China had

not controlled Beijing (Peiping), let alone Shanghai. I had college education in Taiwan prior to my graduate study in the U. S.. I know, as other Chinese people also know, at that time only bad people such as mean and rich landlords, corrupt officials, or dishonest business people could afford to leave China after the Japanese gave Shanghai to Nationalist China and after the Nationalist was defeated.

If his parents were honest good land -lord, or honest and faithful to his/her official duties, or honest business people, they did not need to escape from China. The Nationalist China lost the mainland to Mainland China was because there were too many people were oppressed by Nationalist China.

Here, Goerge H. King, claimed his parents did not like to be oppressed and

ignored the facts and evidence existing in the cases files, denied my motions to disqualify Manuel L. Real and had acted like tyrant/dictator - his denials of my motions to disqualify Manuel L. Real without a hearing violated the Rules and Due Process of Law.

These facts as stated can say Chief Judge Hug erred in dismissing my complaints against Manuel L. Real and Goerge H. King when Manuel L. Real's and Goerge H. King's conduct and acts were prejudicial to the effective and expeditious administartion of the justice. Thus, they abused judicial offices.

Chief Judge Hug forgot the purpose of Judicial Complaint is to improve the administration of justice in the federal courts by taking actions when judges engage in conduct that does not meet the standards expected of federal judicial

officials. He alos forgot Judicial complaints emphasis on correction of conditions that interfere with the proper administartion of justice in the courts.

Mr. Joseph D. Tydings, said at "CHRISIS IN THE FEDERAL COURTS, Hearings, Senate Committee on the Judiciary, April 25, 1967, p.4 - " . . . the problems confronting the Federal courts are not simply the problems of Federal judges, U. S. Attorneys, the Department of Justice, and the litigants involved. They affect every citizen, for we run the risk that those involved in our society will turn to extralegal methods for the redress of grievances, if the courts cannot deal forthrightly and promptly with their problems."

I am not a young man, am a disabled person working to make both ends meet. Manuel L. Real should not spoil his

dishonest, lazy, and lawless Mexican-American fellows after they defrauded me of my incomes and incomes of other hard-workibg citizens as evidenced in U. S. v. Martha Dahda, 97-80237 (CV 97-0906), and 97-80238 (CV 96-4488).

The judicial council should now do something about Manuel L. Real's repeated ignorances of laws and rules and disrespects of the integrity of the judicial process and about Goerge H. King's acts and conduct as an Opportunist and a puppet of Manuel L. Real.

Thank you for your attention on my petition.

Truly yours,

/S/

Shong-Ching Tong

JUDICIAL COUNCIL

FOR THE NINTH CIRCUIT

In Re Charge of	) No. 97-80117
	) No. 97-80237
Judicial Misconduct	) No. 97-80238
	)
	) ORDER AND
	) MEMORANDUM
	) FILED

NOV 12, 1997

Cathy A. Catterson
Clerk, U.S. COURT
OF APPEALS

Before: HUG, Chief Judge

Three complaints of misconduct have been filed against two district judges of this circuit. Administrative consideration of such complaints is governed by the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability (Misconduct Rules), issued pursuant to the Judicial Council Reform and Judicial Conduct and Disability Act of 1980. 28 U.S.C. Section 372(c). Because the

complaints raise related or identical claims against the same two judges, the complaints are hereby consolidated.

Since 1994, complainant has been the plaintiff in at least eleven civil actions before the judges' court. Several of these actions were against district judges and magistrate judges of that court. Records attached to the complaints show that the first judge issued an order wich joined seven of these cases for pre-trial and trial and ordered complainant to show cause why he should not be declared a vexatious litigant. In a separate order, the first judge also enjoined complainant from filing further matters until all pending matters had been finally determined. The record shows that complainant did not appear at the hearing set for determining whether complainant should be declared a vexatious litigant, that

complainant did not appearat a continued hearing, and that the first judge then issued a bench warrant for complainant's arrest.

Complainant claims the first action were unlawful, unconstitutional, oppressive, an abuse of power, a violation of due process and lacking in jurisdiction. He claims that he filed a motion to disqualify the first judge, that the employees in the Clerk's office "cross(ed)-out the Hearing Date" and that the motion was referred to the second judge. Complainant claims the second judge then denied the motion "in a very short period of time and without a hearing" and alleged-ly without reviewing all of the evidence. Complainant then filed a motion for reconsideration of the second judge's decision, which the second judge denied, allegedly despite the fact that the first judge "

has been bias[ed] and prejudice[d] and has been a racist." Complainant alleges that the two judges should have recused themselves from complainants' cases against other federal judges.

In regard to the firat judge's bench warrant, complainant alleges that his acquaintance went to the Clerk's office in search of documents regarding contempt of court and could not find any such documents in the file. He claims the U. S. Marshal arrested him "without due process and no findings," and that the "unlawful arrest and false imprisonment by the [thefirst judge] could be perceived to be tantamount to CENSORSHIP, DICTATORSHIP, AND JUDICIAL OPPRESSION."

Complainant also asserts that judges have "shop[ped]" for his cases. First, he claims the first judge "shopped for [his] case after his beloved magistrate [judge]

had been sued by me for obstructions of justice." Second, complainant alleges that, after he filed suit against a third judge, the first judge transferred one of complainant's other cases to the third judge. Complainant claims the third judge "shop[ped]" for the case, but then disqualified himself. Third, complainant claims the first district judge "shopped" for complainant's bankruptcy appeal and then dismissed the appeal, allegedly because the first judge is biased and was upset with complainant for filing a petition for writ of mandamus.

Complainant also claims the judges have conspired against him and committed treason. He alleges that the second judge has acted oppressively, betrayed the Constitution, conspired against him, acted like a judicial tyrant, and violated judicial ethics. He further alleges that

both judges were "blinded by prejudice and bias."

Many of complainant's charges relate to the judges' decision in this case. A complaint will be dismissed if it is directly related to the merits of a judge's ruling or decision in the underlying case. 28 U.S.C. Section 372(c)(3)(A)(ii); Misconduct Rule 4(c)(1). If complainant wants to challenge the judges' decisions joining this cases, ordering complainant to show cause why he should not be declared a vexatious litigant, enjoining complainant from filing further matters, issuing a bench warrant, transferring cases, denying complainant's motions for disqualification and reconsideration, and dismissing complainant's bankruptcy appeal, correct review procedure, "not the procedure for judicial misconduct, [is] the properremedy." In

re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. 1982). The judicial council, the body that takes action under the misconduct complaint procedure, does not have the power to change a decision or ruling: "only a court can do that." Misconduct Rule 1(f). Furthermore, complainant's charge that the judges should have recused themselves also is an issue properly raised in complainant's cases or on appeal, not under this complaint procedure. This complaint procedure may not be used to have a judge disqualified from sitting on a particular case. Misconduct Rule 1(f). These charges, therefore, are dismissed.

In addition to challenging the merits of the judges' decisions, complainant claims the judges acted unlawfully, uncon-stitutionally, oppressively, abusively and tyrannically when they issued those

decisions. He asserts that the second judge ignored certain evidence. He also cliams the judges conspired against him, lacked jurisdiction, betrayed the Consti-tution, violated due process and judicial ethics, and were biased prejudiced and racist. Complainant has not supported these characterizations with any evidence. The record does not reveal any evidence to support these charges. A complaint will be dismissed if it makes charges that are wholly unsupported. 28 U.S.C. Section 327 (c)(3)(A)(iii); Misconduct Rule 4(c)(3). These charges, therefore, are dismissed.

Complainant also claims the second judge decided a motion without a hearing. It is within a judge's discretion whether to hold a hearing on a motion. Therefore, a judge's decision to issue an order with-out hearing does not raise a cognizable

claim of judicial misconduct. A complaint will be dismissed if "the claimed conduct, even if the claim is true, is not 'conduct prejudicial to the effective and expediti -ous administration of the business of the courts.' " Misconduct Rule 4(c)(2)(A); 28 U.S.C. Section 327(c)(1). This charge, therefore, is dismissed.

It is not irregular for a judge to transfer a case from his docket to another judge's docket, particularly pursuant to a court's low-number rule. Transferring a case, or accepting the transfer of a case, therefore, also does not raise a cognizable issue of judicial misconduct. Again, a complaint will be dismissed if "the claimed conduct, even if the claim is true, is not 'conduct prejudicial to the effective and expeditious administra -tion of the business of the courts.' " Misconduct Rule 4(c)(2)(A); 28 U.S.C.

Section 372 (c)(1). Moreover, evidence that a case has been transferred does not support a charge of case "shopping." Complainant's charges that the first judge shopped for cases, and that the judge did so because he was biased and because comp-lainant had sued a fellow judge and had filed a petition for writ of mandamus, are conclusory and not supported by any evidence. Again, a complaint will be dismissed if it makes charges that are wholly unsupported. 28 U.S.C. Section 327(c)(3)(A)(iii); Misconduct Rule 4(c)(3). Complainant's charges regarding case transfers and "shopping," therefore, are dismissed as well.

Complainant's charges against employ-ees of the Clerk's office and the U.S. Marshal must be dismissed. This complaint procedure applies only to federal judges. Misduct Rule 1(d). "Complaints about

other officials of federal courts should be made to their supervisors in the various courts." Id.

Complainant's charges against other judges also nust be dismissed, as only the first and second judge were named in these complaints.

Complainant's charges that his acquain -tance could not find certain documents in the court file does not raise a cogniz -able issue of judicial misconduct. Comp- lainant has not submitted any evidence that this alleged problem is attributable to conduct by a judge.

COMPLAINTS DISMISSED.

/S/

Chief Judge

JUDICAIL MISCONDUCT COMPLAINTS RE
MANUEL L. REAL, GOERGE H. KING
5/2/97

1. On June 26, 1996, Stanley Ma and I filed a Complaint for damages against Martin L. Goetsch, et al. after Martin L. Goetsch willfully, unlawfully, know -ingly, fraudulently, wantonly, oppres -sively, unethically, and unprofession -ally falsified a court judgment and committed obstruction of justice, etc. in several cases (Attachments 1, 2 - Facts and evidence were stated in Attachment 2).
2. Manuel L. Real let Robert M. Takasugi shop for case no. CV 96-4488 after Robert M. Takasugi and James W. McMahon were sued by me for obstruction of Justice, etc. (Attachment 3).
3. On October 4, 1996, Robert M. Takasugi disqualified himself from case no. CV 96-4488. The case CV 96-4488-RMT was

assigned to Richard A. Paez (Attachment 4).

4. On January 13, 1997 Richard A. Paez, without reading facts and documents, signed a "Judgment" prepared by James W. McMahon and dismissed the case CV 96-4488-RAP (Attachment 5).
5. On February 11, 1997, Stanley Ma and I filed a "Notice of Appeal" appealing the "Judgment" (Attachment 5).
6. On February 28, 1997, I filed the " Plaintiff's Response to Order to Show Cause" (Attachment 8) and a "Notice of Motion and Motion to Disqualify District Judge Manuel L. Real; Request for Judicial Notice, etc." (Attachment 7) because of Manuel L. Real's 1/30/97 unlawful and unconstitutional order (P. 49) and after Robert M. Takasugi had disqualified himself from case no. CV 95-6673, which had been held by Brian

Q. Robbins since the "Plaintiff's Oppo -sition to defendants' motion to dismis -s" filed on 7/30/96 (Attachment 2). The Motion to disqualify Manuel L. Real was referred to Goerge H. King by the Clerk's Office on February 28, 1997 (Attachment 9).

7. On or about March 4, 1997, I received Goerge H. King's Civil Minutes - Gener -al, which was dated 2/28/97, mailed on 3/3/97 (P. 62). This Attachment can show Goerge H. King did not waste any time in denying my Motion to disqualify Manuel L. Real in spite of the facts that Manuel L. Real had transferred the case CV 96-4488 to Robert M. Takasugi and to Richard A. Paez and that Manuel L. Real had no jurisdiction over the case after an appeal had been filed.

8. On March 6, 1997, I filed a "Notice of Motion and Motion for Reconsideration

of Court's Ruling Re Motion to Disquali -fy District Judge Manuel L. Real, etc." after Goerge H. King ignored the afore-said facts and evidence that Manuel L. Real's impartiality has been in question and Manuel L. Real has been bias and prejudice and has been a racist (Attachment 10). Again, Goerge H. King, ignored the facts and evidence as shown in case nos. CV 95-6673, CV 96 -4488, and others, denied my Motion for Reconsideration on March 11. 1997 (Attachment 11).

9. In Case No. CV 96-4488, Martin L. Goetsch and others were sued for Obst- ruction of Justice and violations of Civil Rights after Martin L. Goetsch falsified a Judgment and Martin L. Goetsch and others failed to transfer my Appeals to the Appellate Department of Los Angeles Superior Court, case

nos. CT 56693 and VP 94555 (Attachment 13 - the Memorandum Judgment issued by the Appellate Department of Los Angeles Superior Court blamed the Pomona Municipal Court had repeatedly violated the law after they failed to process my appeals timely.

10. Ample case laws, Statute, facts, and evcidence can show Goerge H. King has been incompetent in denying my motions to disqualify Manuel L. Real and for Reconsideration. Had Goerge H. King reviewed all documents as requested to take Judicial Notice, Goerge H. King would find out Manuel L. Real had acted unethically, unprofessionally, unlawfully, willfully, wantonly, maliciously, and oppressively to include the case no. CV 96-4488 in his unlawful Orders of 1/30/97 and 3/20/97 after Manuel L. Real had transferred

the case to Robert M. Takasugi and after the case no. CV 96-4488 has been pending on appeal.

11. Goerge H. King once told people that his parents, while he was 11 years old, left China because China's oppres-sive regime his parents did not like. The acts and conduct of Goerge H. King as stated in my Complaints can clearly shown he should not make such state-ment when he himself has been doing the same oppressive acts ignoring the law, order, facts, and evidence and betraying his oath of office.

12. If San Diego Federal judges can disqualify themselves from a case involving a State judge's misconduct trial (Attachment 14 - Judge Guilty of Misconduct), then, Goerge H. King and Manuel L. Real should do the same thing when their peers are defendants

in case no. CV 95-6673. Thus, Goerge H. King had no reason to deny my motion disqualifying Manuel L. Real in case no. CV 95-6673.

13. Because of those judicial tyrants' unethical and unprofessional acts and conduct and the PHELPS were spoiled by them, the PHELPS defrauded home owner and the State court again (Attachment 15) and had treated all of us as IDIOTS.

LIST OF ATTACHMENTS

1. Complaint, case no. CV 96-4488-R (BQR), 6/26/96 1

2. Plaintiffs' Opposition to defendants' Motion to Dismiss; Request for Judicial Notice, etc., CV 96-4488-R (BQR), 7/30/96 12

3. Order Re Transfer Pursuant to General Order 224, CV 96-4488-R (BQR), 9/5/96 (from Manuel L. Real to Robert M. Takasugi after Robert M. Takasugi and James W. McMahon were sued for obstruction of justice, etc.) 33

Order Re Transfer Pursuant to General

Order 224, CV 96-4488-RMT (Mc), 8/26/96 (from Brian Q. Robbins to James W. McMahon after Robert M. Takasugi and James W. McMahon were sued for obstruc -tion of justice, etc.)

4. Order to Reassign Case Due To Self-Recusal, CV 96-4488, 10/4/96 (To Richard A. Paez) 35

5. Notice of Appeal, CV 96-4488-RAP, 2/11/97 Judgment, CV 96-4488-RAP, 1/13/97 36

6. Order to Show Cause, CV 95-6673, 1/30/97 38

7. Notice of Motion and Motion to Disqua-lify District Judge Manuel L. Real; Request for Judicial Notice, etc., CV 95-6673, 2/28/97 12:12 p. m. filed 40

8. Plaintiff's Response to Order To Show Cause, CV 95-6673, 2/28/97 12:12 p. m. filed 50

9. Referral of Motion to Disqualify Judge /Magistrate, CV 95-6673, dated 2/28/97, received 3/4/97 61

Civil Minutes - General, CV 95-6673, dated 2/28/97, did not mail to me until after 3/3/97 62

10. Notice of Motion and Motion for Recon -sideration of court's ruling Re Motion to Disqualify District Judge Manuel L. Real, etc., CV 95-6673, 3/6/97 63

11. Civil Minutes - General, CV 95-6673,

12. Order of Dismissal, CV 95-6673, 3/21/97 (Manuel L. Real had no juris-diction over CV 96-4488 after an appeal had filed on 2/11/97 70

13. Memorandum Judgment, Los Angeles Superior Court, case no. BR 36625 (CT 56693), 4/19/97 (Reverse with directions to dismiss the traffic ticket against me) 72

14. Newspaper Clipping, Inland Valley Daily Bulletin, 3/12/96 Judge Guilty of Misconduct, The San Diego Federal Judges disqualified them all 75

15. Orders on Application for Waiver of Court Fees and costs, case no. 97U00045, Citrus Municipal Court, 1/21/97

Declaration of Steve Afetian, BK case no. LA 97-22228-ES, Debtor - Lupe Quinones Phelps, 4/7/97

Declaration of Steve Afetian, BK case no. LA 97-17746-ES, Debtor - Phillip Phelps, 3/12/97

NOTE: These Exhibits can show the PHELPS have no respect to the Law and Order and to the well-beings of other people within the last three years (See 2.)

Judicial Misconduct Complaints Re Manuel L. Real and Goerge H. King

1. On Janury 10, 1996, I filed a "Complaint to Determine Exception to Discharge" objecting Domingo Garcia and Rosamaria S. Garcia aka Rosamaria S. Rains' Chapter 7 discharge of rents over $9,500.00 owed to me (Attachments 1, 2).
2. On December 20, 1996, after trial, the Bankruptcy Judge awarded partial judgment to me (Attachments 3, 4, 5, 6).
3. On January 17, 1997, I filed a "Notice of Appeal" appealing the discharge of over $9,500.00 rents owed to me on grounds that debtors are not honest and unfortunate as the statute provides and that debtors made false oath and accounts (Attachment 7).
4. On February 3, 1997, my Appeal was assigned to Eastern Division due to

the debtors' Bankruptcy case was filed in the San Bernardino Division (Attachment 8).

5. District judge Manuel L. Real unlawfully and willfully shopped for the case (Attachment 9).

6. On February 28, 1997, I filed a "Notice of Motion and Motion to Disqualify District Judge Manuel L. Real, etc.", case no. CV 95-6673-IH (BQR), because his bias and prejudice and his "Closed Mind" on key issues and after he group -ed unrelated cases (Attachment 13). My motion was refered to district judge Goerge H. king for decision (Attachment 14). Goerge H. King denied my motion the same afternoon without a hearing or reading the evidence mentioned in the Motion (Attachment 16).

7. On March 6, 1997, I filed a "Notice of Motion and Motion for Reconsideration

of court's 2/28/97 order". My Motion had a hearing date on March 31, 1997 (Attachment 17).

8. On March 11, 1997, Goerge H. King, again, vacated the hearing date and denied my motion for reconsideration (Attachment 18).

9. On March 19, 1997, as directed by the Clerk's Notice (Attachment 10), I filed the "Appellant's Opening Brief", " Excerpt of Records" (Attachment 11), and the "Reporter's Transcript" (A copy is enclosed for reference).

10. On March 20, 1997, Manuel L. Real, again, acted unlawfully, willfully, fraudulenty, wantonly, and oppressive -ly and helped his Mexican follows (Debtors are Mexican Americans), dismissed my Bankruptcy Appeal (Attachment 19).

11. If we compare the "Order to Show

Cause" (Attachment 13) with the "Order of Dismissal" (Attachment 19), even the most stupid person can tell the Case No. CV 97-0906-R was not in the Attachment 13. And Manuel L. Real did so just because I had filed "Petitions for Writ of Mandamus" challenging Manuel L. Real's unlawful orders of 1/29/97 and 1/30/97.

12. Goerge H. King, had he examined documents as requested to take judicial notice, had no reason to deny my motions to disqualify Manuel L. Real when those documents have shown Manuel L. Real is a racist (U. S. V. Martha Dahdah - she was a 19 year old Hispanic girl convicted of Bankruptcy Fraud and Manuel L. Real let her go free).
13. Goerge H. King, told people the reason his parents left China was China's

Oppressive Regime, did the oppression to me exactly as he said his parents did not like. Goerge H. King had not only betrayed the U. S. Constitution. He had also conspired with Manuel L. Real, acted like judicial Tyrants ignoring the law, rule, and regulations. Goerge H. King and Manuel L. Real had violated the judicial ethics as shown in my cases.

14. 28 U.S.C. Sections 144 and 455 provide that a motion to disqualify a judge has to be a noticed motion. Goerge H. King, should be faithfully followed his oath of office - he sworn he would obey the law, which says he cannot dispose of noticed motion without a hearing and ignored the evidence that Manuel L. Real was/is not impartial and has been a racist.

15. Manuel L. Real and Goerge H. King have

no "Law and Order", have no respect to the judicial system, and had acted unethically and unprofessionally in my cases. They have no right to violate my Constitutional rights and my human rights.

16. The attachment 20 can show Manuel L. Real and Goerge H. King were blinded by prejudice and bias when the case no. CV 96-4488 had been dismissed and an appeal had already been filed. Manuel L. Real and Goerge H. King should know they had no jurisdiction over Case No. CV 96-4488. This example clearly shows Manuel L. Real and Goerge H. King's conduct and acts were unlawful, willful, frivolous, malicious, wanton, unethical, unprofessional, and oppressive. Just because Manuel L. Real's shopping for the case no. CV 96-4488, Goerge H. King, if he

has the guts. should know Manuel L. Real's impartiality has been in question and should be disqualified.

LIST OF ATTACHMENTS

1. Complaint to Determine Exception to Discharge, Bankruptcy Court case no. SB 96-1022-MG, 1/10/96 p. 1

2. Judgment, San Bernardino Municipal Court case no. CWV 110567, 6/28/95 p. 14

3. Trial Brief, Bankruptcy Court case no. SB 96-1022-MG, 12/20/96 p. 15

4. Findings of Fact and Conclusions of Law, Bankruptcy Court case no. SB 96-1022-MG, 12/20/96 p. 21

5. Judgment, Bankruptcy Court case no. SB 96-1022-MG, 12/20/96 p. 24

6. Exhibit Register, Bankruptcy Court case no. SB 96-1022- MG, 12/20/96 p. 27

7. Notice of Appeal, Bankruptcy Court case no. SB 96-1022- MG, 1/17/97 p. 31

8. Notice of Referral of Appeal, Bankruptcy Court case no. SB 96-1022-MG, 2/3/97 p. 32

9. Certificate of Readiness, Bankruptcy Court case no. SB 96-1022-MG, 2/24/97 p. 34

10. Notice Regarding Appeal from Bankruptcy Court, District Court case no. CV 97-0906-R, 2/11/97 p. 36

Notice Re: Bankruptcy record complete, Briefing Schedule and Notice of Entry, District court case no. CV 97-0906-R, 3/4/97 p. 37

11. Appellant's Opening Brief, Excerpt of Records (the first 4 pages), District court case no. CV 97-0906-R, 3/19/97 p. 38

12. Complaint, District court case no. CV 95-6673-IH, 10/5/95 p. 60

13. Order To Show Cause, District court case no. CV 95-6673-R, 1/30/97 p. 67

14. "Notice of Motion and Motion to disqualify district judge Manuel L. Real, etc.", District court case no. CV 95-6673-R, 2/28/97 p. 69

Referral of Motion to disqualify Judge /Magistrate Judge

15. Plaintiff's Response to Order to Show Cause, District court case no. CV 95-6673-R, 2/28/97 p. 81

16. Civil Minutes - General, District court case no. CV 95-6673-R, 3/3/97 p. 93

17. Notice of Motion and Motion for Reconsideration of court's 2/28/97 Order, District court case no. CV 95-6673-R, 3/6/97 p. 94

18. Civil Minutes - General, dated 3/11/97, entered 3/12/97, and mailed 3/13/97 p. 100

19. Order of Dismissal, dated 3/20/97 p. 101

20. Notice of Appeal, case no. CV 96-4488, 2/11/97 p. 102

Judgment, Case No. CV 96-4488, 1/15/97

(The enclosed Memorandum, Appellate Department of the Los Angeles Superior Court, can show you defendants in case no. CV 96-4488 committed Obstruction of Justice and violated my constitutional rights)

STATEMENT OF FACTS RE MANUEL L. REAL AND GOERGE H. KING'S JIDICIAL MISCONDUCT COMPLAINTS

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1. On 1/29/97, Real unlawfully and unconstitutionally issued an Order telling Clerks of the District Court and the Bankruptcy Court not to allow me to file any new action (Attachment 1), even after he has been removed as a Chief Judge.
2. On 1/30/97, Real unlawfully and oppresively issued an "Order to Show Cause" after he had abused his power consolidated unrelated cases (Attachment 2).
3. On 2/28/97, I filed a "Notice of Motion and Motion to Disqualify district judge Manuel L. Real, etc." (Attachment 3) and the "Plaintiff's Response To Order to Show Cause" (Attachment 4). Employ-ees in Clerk's Office cross-out the Hearing Date.

4. On 3/4/97, I received the "Referral of Motion to Disqualify Judge/Magistrate Judge", which was dated on 2/28/97, mailed on 3/3/97 (Attachment 5). The motion was given to King.

5. On 3/5/97, I received a "Civil Minutes - General", which was dated 2/28/97, the envelop meter date was 3/4/97. King denied my "Motion to Disqualify" Real in a very short period of time and without a hearing (Attachment 6).

7. On 3/5/97, Real, as he did in U. S. v. Flynt and In re Stephen Yagman and was in violation of Due Process of Law and has no jurisdiction, issued a "Warrant for Arrest" (Attachment 7).

8. On 3/7/97, I filed a "Motion for Recon -sideration . . ." re the "Motion to Disqualify" Real (Attachment 8).

9. On 3/7/97, Esther Chow, as requested by me, went to the Clerk Office and

could not find any document re "Civil Contempt" (Attachment 9).

10. On 3/14/97, the U. S. Marshal arrest me for "Civil Contempt" of "Order of the Court", which was without due process and no findings on which ground I was charged with "Civil Contempt" (Attachment 10).

11. If King, conspired with Real, could deny my "Motion to Disqualify" Real in a very short period of time and without a hearing, the unlawful arrest and false imprisonment by Real could be perceived to be tantamount to CENSORSHIP, DICTATORSHIP, AND JUDICIAL OPPRESSION, which have been the excuses of the U. S. to criticize other countries for violations of Human Rights, Constitutional right, and "NO LAW AND ORDER".

12. Real had intentionally, repeatedly,

and unethically violated my constitu-tional rights and the ADA (Attachment 11).

13. Real and King have not only acted unlawfully, wantonly, and oppressively, they had also committed TREASON TO THE CONSTITUTION, which they swore to defend, obey, and be faithful.

14. Real shopped for this case after his beloved magistrate James W. McMahon had been sued by me for obstructions of justices (Attachment 12).

/S/

Shong-Ching Tong